YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**Halakha and Israeli History**

**Rav Aviad Tabory**

**Shiur #20:**

**24 May 1991**

**Operation Shelomo**

**Aliya of Ethiopian Jewry**

Ethiopian Jews (*Beta Yisrael*) have been arriving in Israel since the 70’s, but it was a dramatic operation in 1991 which proved the commitment of the State to this unique group of people.

This operation, named *Mivtza Shelomo* (Operation Solomon) brought to Israel close to fifteen thousand Ethiopian Jews over thirty hours in a daring airlift that broke world records of the number of passengers to fit in one airplane (1,088!). Eighteen airplanes of Israel’s national airline El-Al, together with twenty-three planes of the Israeli Air Force, participated in the greatest airlift of Israel’s history.

The operation was conducted in secrecy, as there was concern that the Ethiopian Jews would be harmed by the rebels who were threatening to take over the country.

That Friday night, as the secret operation began, I remember that my *rosh yeshiva* at Yeshivat Or Etzion, Rav Haim Drukman, announced in the *beit midrash* that *kibbutz galuyot* (ingathering of the exiles) was happening that very moment.

Prior to this operation, during the years 1977-1991, thousands of the Ethiopian community made their way to Israel through Sudan. There they were met by representatives of the Jewish Agency who, together with members of the Mossad and the IDF, gathered them and transported them by air and sea to Israel.

**The Origins of the Community**

There are quite a few theories regarding the community’s presence in Ethiopia and its connection to the Jewish people.[[1]](#footnote-1) A common version claims that they are descendants of the tribe of Dan who were exiled from Israel among the Ten Tribes in the eighth century BCE. In any case, they reached Ethiopia anywhere between the tenth century BCE and the Destruction of the Second Temple.

During the ninth century of the Common Era, a merchant by the name Eldad Ha-Dani appeared in Tunisia claiming that he was from a Jewish community in Ethiopia. Rav Tzemach ben Chayim, the Gaon of Sura, accepted this narrative and endorsed his claim.[[2]](#footnote-2)

However, there were rabbis like Rav Meir of Rothenberg (1215-1293, [Worms, Germany](https://www.google.com/search?rlz=1C1CHBF_enIL830IL831&q=Worms,+Germany&stick=H4sIAAAAAAAAAOPgE-LUz9U3MM3Jy0lX4gAxLUxz87TEspOt9AtS8wtyUoFUUXF-nlVSflHeIla-8Pyi3GIdBffUotzEvEoA914Rr0AAAAA&sa=X&ved=2ahUKEwjUsfrSoMjgAhWJwAIHHRhcCdsQmxMoATATegQIBhAH))

who expressed reservations as to the authenticity of these statements.[[3]](#footnote-3)

During the following centuries, there were several encounters between the community and other rabbis and Jewish leaders. The great Italian scholar Rav Ovadya of Bertinoro (1445-1550) wrote in a letter from Jerusalem in 1488:

I saw two of them in Egypt. They are dark-skinned... and one could not tell whether they keep the teaching of the Karaites, or of the Rabbis, for some of their practices resemble the Karaite teaching... but in other things, they appear to follow the instruction of the Rabbis; and they say they are related to the tribe of Dan.[[4]](#footnote-4)

**Opinion of the Radbaz**

Rav David ben Zimra (Radbaz, 1479-1573) is probably the first important *posek* to recognize the “Jewishness” of the Ethiopian community. In two separate responsa, the Radbaz addresses the status of the *Beta Yisrael* community.

In his first responsum, he is asked for his opinion regarding the status of a woman from a town that was attacked; the males were killed, while the women and children were taken captive. The woman in question, whose husband was presumably among the dead, was purchased as a slave by a Jew, who subsequently entered into a sexual liaison with her which resulted in the birth of a son.

There are two questions regarding this case: is the woman in question Jewish? If she is, then a second concern arises regarding the status of the woman’s child — whether or not he is considered a *mamzer* (bastard). The reasoning behind this assumption is that the community does not practice Jewish law and therefore no proper form of Jewish divorce could ever have been used. Thus, any form of divorce would not be halakhically recognized, and the children may be bastards.

 Regarding the first question, the Radbaz claims:

It is clear that she is of the seed of Yisrael, of the tribe of Dan.

Regarding the other, he rules that that there is no validity to their marriages since marriage requires two halakhically acceptable witnesses. Radbaz compares the *Beta Yisrael* to the Karaites, who do not accept the oral Torah and therefore are all disqualified from serving as witnesses. Since a valid marriage does not exist, it follows that a bill of divorce for its dissolution is superfluous. Thus, there can be no question of *mamzerut*.

In light of these considerations, marriage to a woman of the *Beta Yisrael* community is permissible.

In a second responsum, Radbaz is asked his opinion regarding a Jew who bought a slave from the *Beta Yisrael* community. Here again, the question is whether or not the person in question is Jewish. The Radbaz again argues that the community are to be considered Jewish (note the use of the term Falasha for *Beta Yisrael*, a term which is now regarded as offensive and inappropriate):

With regard to the Falasha slave, since it has become clear that he is a Jew, this purchase is naught but the ransom of captives, not the purchase of a slave, and the obligation was incumbent upon all of Yisrael to redeem him.

…those Jews who come from the land of Cush are without doubt from the tribe of Dan, and since they did not have in their midst sages who were masters of the tradition, they clung to the simple meaning of the Scriptures. If they had been taught, however, they would not be irreverent towards the words of our sages, so their status is comparable to a Jewish infant taken captive by non-Jews… and even if you say that the matter is in doubt, it is a commandment to redeem them.[[5]](#footnote-5)

There is no doubt that the Radbaz believes that these people are descendants of the tribe of Dan and are Jewish.

In 1973, Rav [Ovadya Yosef](https://en.wikipedia.org/wiki/Ovadia_Yosef), then the Sephardic Chief Rabbi, basing himself mostly on the Radbaz, ruled that the Beta Yisrael are Jews and should be brought to Israel:

I have therefore come to the conclusion that the Falasha are the descendants of the tribes of Yisrael who have emigrated southwards to Cush. There can be no doubt that the authorities who declared them from amongst the tribe of Dan investigated and examined the evidence thoroughly and reached this conclusion on the basis of the most reliable testimony and evidence. I too… have investigated and examined this matter thoroughly after the leaders of the community approached me…

I have decided that, in my humble opinion, the Falasha are Jews who must be saved from assimilation. We should promote their immigration to the Land, educate them in the way of our holy Torah and include them in the building of the Holy Land. Thus “the children shall return to their borders.”[[6]](#footnote-6)

Two years later, his opinion was confirmed by other authorities who made similar rulings, including Chief Ashkenazic Rabbi [Shelomo Goren](https://en.wikipedia.org/wiki/Shlomo_Goren).[[7]](#footnote-7)

It is important to notice that the *pesak* of Rav Ovadya is an unprecedented halakhic ruling in the history of the State of Israel, for it is solely based on this decision that the government decided to apply the Law of Return in this case, thus ensuring the aliya of the entire community from Ethiopia.

Not all rabbis agreed completely with the Chief Rabbis.[[8]](#footnote-8)

In June 1984, Rav Moshe Feinstein addressed this matter in a private letter to Rav Mordechai Tendler.[[9]](#footnote-9) After quoting the Radbaz, the Rav argues:

 …however, for practical application of the law it is difficult to rely on this, for it is not clear if the Radbaz knew well the reality regarding them, nor is it clear whether up until our time their status has [remained the same and] not changed.

It is therefore simple to understand why Rav Moshe demands the following:

Regarding their Judaism, we must consider it a *safek* (doubt), and we must require of them true conversion before we permit them to marry within the Jewish community.

However, at the same time, he argues that the Jewish people have a responsibility towards this community:

Nevertheless, even before their conversion, it is an active precept to save them from being drawn into a non-Jewish creed and from danger, as the law is for any Jew, for *safek nefashot le-hakel* (a doubt involving saving lives is judged leniently), even though here the doubt is in their very status as Jews.

One should also know that even if in practical application of the law they are not Jews, **nevertheless, since they think they are Jews and sacrifice their lives for their Judaism, we are obligated to save them.**

Rav Moshe adds an interesting point to our discussion, and although it is not directly relevant to our discussion, I find it important enough to mention. Practically speaking, Rav Moshe believes that the members of the community should convert before arriving in Israel. Once the process is complete, Rav Moshe emphasizes our commitment to them:

If they have legally converted, as I have heard they are doing, we shall consider them like all Jews, and one must assist them and support them for all needs of livelihood, both physically and spiritually. And I suffered great anguish because I have heard there are those in Israel who are not drawing them close in spiritual matters and are causing, God forbid, that they might be lost from Judaism. ***And it seems to me these people are behaving so only because the color of the Falasha’s skin is black.*** It is obvious that one must draw them close, not only because they are no worse than the rest of the Jews ***— and because there is no distinction in practical application of the law because they are black —*** but also because, one might say, they are *gerim* (converts), and are therefore included in the mitzva "And you shall love the convert."

Based on the above opinions, do the Ethiopian Jews require conversion? There seem to be three opinions regarding this question. First, Rav Moshe Feinstein and others argue that regular conversion is required.

The second opinion holds that they must undergo a modified conversion (*giyur le-chumra)*, which is a ceremony involving immersion in a [*mikveh,*](https://en.wikipedia.org/wiki/Mikveh) a declaration accepting Rabbinic law, and for men, a symbolic re-circumcision.

In an article printed in 1983, Rav Menachem Waldman quotes Rav Ovadya’s *pesak* in which he recognized that the *Beta Yisrael* are Jewish. However, Rav Waldman mentions that in practice both Chief Rabbis, Goren and Yosef, required *giyur le-chumra.[[10]](#footnote-10)*

In the beginning, during the 1970s and early 1980s, the *Beta Yisrael* were required to undergo *giyur le-chumra.*

Rav Sharon Shalom, a leader in the Ethiopian community today, studied in Yeshivat Har Etzion. In his book he mentions that the *roshei yeshiva*, Rav Lichtenstein and Rav Amital, required him and his friends to do *giyur le-chumra.[[11]](#footnote-11)*

Lastly, in a second response to our question, from 1985, Rav Ovadya argues explicitly that there is no need for conversion at all.[[12]](#footnote-12)

***Mamzerut* Questions**

If one holds like Rav Moshe that *Beta Yisrael* are not Jewish from birth and require regular conversion, then questions of *mamzerut* (bastardy) are not relevant. However, if we assume that they are Jewish by birth, this becomes an issue, because halakhic marriage and divorce were not practiced by the community.

Although the Radbaz clearly claims in both of the abovementioned responsa that the *Beta Yisrael* are descendants of the tribe of Dan, there seems to be confusion regarding his opinion on the question of *mamzerut*.

Regarding this matter, the two responsa seem to contradict one another. In the first responsum, Radbaz refers to them as Karaites, which means that they are disqualified to serve as witnesses. In the second responsum, he compares them to Jewish infants taken captive, in which case they may serve as witnesses; thus, their marriages would be valid and the problem of *mamzerut* would exist.

Sephardic Chief Rabbi Shelomo Amar addresses this contradiction and assures us that the Radbaz does not hold that the tribe of Dan has a problem of bastardy.[[13]](#footnote-13) He quotes Rav Ovadya Yosef, who argues that the Radbaz and other Posekim are not concerned with bastardy issues. Rav Ovadya holds that the Radbaz goes back on his opinion that the *Beta Yisrael* might be considered bastards, as there are many other doubts involved in this issue.

Although Rav Moshe requires full conversion, he holds that there is no concern of *mamzerut:*

But in regard to practical application of the law, they are not *mamzerim* or the like, for the Radbaz mentions that many doubts apply to them. Review my responsum, where I detail at length the qualifications of the rabbinical prohibitions regarding the legal status of an illegitimate child of unknown fatherhood and a child found in the street whose parents are (both) unknown.

As we have mentioned in the past, the ingathering of Jews from all corners of the earth is truly one of the most miraculous events in Jewish history. In this case, the return of descendants of the Ten Tribes is truly a remarkable indication of the special times in which we are living.

1. See Rav Menachem Waldman’s book, *Mei-eiver Li-Nhar Kush*; he is an expert on this subject. Rav Sharon Shalom’s book, *From Sinai to Ethiopia*, pp. 61-72, has a summary of the community history. [↑](#footnote-ref-1)
2. The original letter of Rav Tzemach was printed in Italy in 1480. See Rav J. David Bleich, *Or Ha-mizrach* 33:3-4, pp. 235-238 [↑](#footnote-ref-2)
3. *Teshuvot* *Maharam Rothenberg* 193. [↑](#footnote-ref-3)
4. Avraham Ya'ari, *Iggerot Eretz Yisrael* (Ramat Gan: 1971). [↑](#footnote-ref-4)
5. *Responsa Radbaz*, 7:5 [↑](#footnote-ref-5)
6. This letter appears in a footnote to the responsum printed in *Yabia Omer, EH 8:11.* [↑](#footnote-ref-6)
7. *Torat Ha-medina,* pp. 172-207. [↑](#footnote-ref-7)
8. See Rav J. David Bleich, *Or Ha-mizrach,* Vol. 33 (3-4), p. 239, as well as in *Tradition,* Vol. 15 (1-2), pp. 49-57. [↑](#footnote-ref-8)
9. This letter appears in Michael Corinaldi, *Ethiopian Jewry: Identity and Tradition,* p. 211. It was printed in *Techumin,* Vol. 12, p. 98. [↑](#footnote-ref-9)
10. *Techumin,* Vol. 4, pp. 325-326. [↑](#footnote-ref-10)
11. *From Sinai to Ethiopia*, p. 15. [↑](#footnote-ref-11)
12. *Yabia Omer* EH 8:11, p. 409. [↑](#footnote-ref-12)
13. *Techumin,* Vol. 23, p. 343. [↑](#footnote-ref-13)